

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

WRIT PETITION (CRL.) NOS.58-100, 104-110, 112-114 OF 2005

NATHU & ORS.

Petitioner(s)

VERSUS

STATE OF U.P. & ORS.

Respondent(s)

(With office report)

WITH

W.P(CRL.) NO. 139-144, 146-173/2005

(With office report)

W.P(CRL.) NO. 9-23, 26-43, 45-52/2005

(With office report)

(For final disposal)

Date: 12/09/2007 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE H.K. SEMA

HON'BLE MR. JUSTICE LOKESHWAR SINGH PANTA

For Petitioner(s)

Mr. S.K. Sabharwal,Adv.

For Respondent(s)

Mr. Shail Kumar Dwivedi, AAG

Mr. S. Wasim A. Qadri,Adv.

Mr. Anuvrat Sharma,Adv.

Mr. Jatinder Kumar Bhatia,Adv.

Mr. Raj Singh Rana,Adv.

UPON hearing counsel the Court made the following
ORDER

The writ petitions are disposed of in terms of the signed
order.

(Neena Verma)
Court Master

(Anand Singh)
Court Master

Signed order is placed on the file.

IN THE SUPREME COURT OF INDIA
CRIMINAL ORIGINAL JURISDICTION

WRIT PETITION(CRL.)NOS.58-100, 104-110, 112-114 OF 2005

Nathu and Ors.

...Petitioners

Versus

State of U.P. & Ors.

...Respondents

WITH
Writ Petition (Crl.) Nos.9-23, 26-43, 45-52/2005
Writ Petition (Crl.) Nos.139-144, 146-173/2005

ORDER

These petitions have been filed by the convicts undergoing various terms of imprisonment. Their grievances are that although they have undergone 14 years or more of imprisonment, their applications for remission or commutation have not been considered by the State Government in terms of Section 433-A of the Code of Criminal Procedure. In the aforesaid premises, this Court, by an order dated 06.02.2007 directed the State Government to consider the cases of the petitioners and submit a report before this Court.

Pursuant to the aforesaid directions, State of U.P. has filed a detailed counter on 20th August, 2007 showing the consideration of application filed by each of the petitioner. It is stated that the recommendations in respect of accused Nathu, Bali, Mawa @ Newa, Bhagwan Das, Prakash, Tejvir, Ashok Kumar, Jaspal Singh, Sundar Singh, Rishipal Singh, Vishambhar Singh and Sukhdev Singh have been considered but were rejected. Only in respect of accused Ram Kewal @ Kamlapati, the recommendation is accepted and premature release was ordered on 16.08.2007. In respect of accused Sukhdev Singh, s/o Pyara Singh, it is noted that his case was not considered as he was released on parole but after expiry of the parole period, he did not return to jail. The Superintendent of Police, Gonda, U.P. shall ensure the apprehension of the accused-Sukhdev Singh, s/o Pyara Singh and send him back to jail.

In view of the detailed affidavit filed by the State of U.P., pursuant to our directions, these petitions does not survive and are, accordingly, disposed of.

.....J.

(H.K. SEMA)

.....J.

(LOKESHWAR SINGH PANTA)

New Delhi,
September 12, 2007.